

FILED

BOARD OF
REAL ESTATE APPRAISERS

James S. Hsu 12/24/08
DR. JAMES S. HSU
Executive Director

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD

CERTIFIED TRUE COPY

COPY

IN THE MATTER OF THE
LICENSE OF

SEAN P. SULLIVAN
RC00183100

TO ENGAGE IN REAL ESTATE
APPRAISING IN THE
STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Real Estate Appraiser Board ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a certified residential real estate appraiser in the State of New Jersey, and has been a licensee of the Board at all times relevant hereto.
2. On or about February 11, 2008, the Board conducted a continuing education audit, asking a random sampling of its licensees for documentation of having completed the continuing education requirements set forth in N.J.A.C. 13:40A-5.3 and N.J.A.C. 13:40A-5.4 for the 2006-2007 licensing period. The request for information was sent to licensees at their address of record.
3. Respondent replied to the audit by means of a submission dated June 4, 2008, indicating that he had completed seven (7) credit hours of continuing education in

2008 to satisfy his continuing education obligation during the 2006-2007 licensing period. In addition, he demonstrated completion of continuing education courses in 2005.

4. Respondent certified upon respondent's renewal application for the 2008-2009 licensure renewal period that respondent had completed the continuing education requirements during the previous biennial renewal period.

5. Respondent certified upon respondent's renewal application that respondent had completed a course in the Uniform Standards of Professional Appraisal Practice (USPAP).

6. Respondent is required pursuant to N.J.A.C. 13:40A-5.3, -5.4 to have completed the equivalent of fourteen (14) classroom hours of instruction for each year during the period preceding renewal. The continuing education completed must include a seven hour USPAP course, or its equivalent.

7. The Real Property Appraiser Qualification Criteria, issued by the Appraiser Qualifications Board of the Appraisal Foundation, do not recognize any reason apart from military service or inactive status as a justifiable reason for failure to timely complete continuing education requirements.

CONCLUSIONS OF LAW

1. Respondent's failure to indicate any continuing education completed during the 2006-2007 licensing period indicates a failure to timely complete continuing education requirements, in violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

2. Respondent's certification on his renewal form that he had successfully

completed the 2006-2007 continuing education requirements constitutes misrepresentation, in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on July 18, 2008, provisionally suspending respondent's real estate appraising license, and provisionally imposing a public reprimand and a civil penalty of \$1,750.00. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the mailing sent by certified mail was signed for, and the regular mailing was not returned, no response to the Provisional Order has been received to date. Accordingly, the Board determined that service had been effected, and that inasmuch as no material discrepancies had been raised with regard to the findings of fact and conclusions of law of the Provisional Order, further proceedings were not necessary. The Board further determined that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 21st day of October, 2008,

ORDERED that:


1. Respondent's appraising license is hereby suspended until he

demonstrates successful completion of the twenty one (21) additional credit hours of continuing education required pursuant to N.J.A.C. 13:40A-5.3, -5.4 for the 2006-2007 licensing period. Respondent has already indicated that he belatedly completed the USPAP course.

2. A public reprimand is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21(b), (e) and (h).

3. A civil penalty in the amount of \$1,750.00 is hereby imposed upon respondent. Payment shall be submitted in the form of a certified check or money order made payable to the State of New Jersey, and sent to the attention of Dr. James S. Hsu, Executive Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, New Jersey 07101, within twenty-one (21) days of the filing of this Order.

NEW JERSEY STATE
REAL ESTATE APPRAISER BOARD


Cheryl A. Randolph-Sharpe
Board President